

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY ENGLAR, et al.,

Plaintiffs,

v.

Case No. 04-CV73977

41B DISTRICT COURT, et al.,

Paul D. Borman
United States District Judge

Defendants.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on April 4, 2011.

PRESENT: THE HONORABLE PAUL D. BORMAN
U.S. DISTRICT COURT JUDGE

On December 21, 2010, after a status conference, the Court issued an Order Dismissing Defendants 41B District Court and Charter Township of Clinton based on the recent Sixth Circuit decision, *Pucci v. 19th District Court*, 628 F.3d 752 (6th Cir. 2010). This Court's order stated in its first sentence:

On December 21, 2010, a status conference was held in which counsel for the Plaintiffs in this case, Nancy Englar and Carol Diehl, stipulated to the dismissal of Defendants 41B District Court and the Charter Township of Clinton . . . in light of the Sixth Circuit's December 16, 2010 Opinion, *Pucci v. Nineteenth District Court, et al.*, No. 08-2017 . . .

Given this stipulation, this case, as it proceeds to trial, no longer includes as defendants the 41B District Court or the Charter Township of Clinton. Whatever arguments the parties

have made in this Court or the Court of Appeals regarding Eleventh Amendment immunity are part of the record.

On February 22, 2011, two months after the status conference, Plaintiffs filed a Motion to Correct Order of Dismissal. Plaintiffs' brief states:

Federal Rule of Civil Procedure 60 permits this Court to correct an oversight or omission in any judgment or order on motion of its parties.

While Plaintiffs did not designate which part of Rule 60 it was relying on, the Court, after reading the entire Rule, concludes that Plaintiffs refer to Rule 60(a), titled "(a) Corrections Based on Clerical Mistakes, Oversights and Omission."

This Court's Order of December 21, 2010, was based on the proceedings at the status conference, and correctly reflects the instant case as it proceeds to trial, without 41B District Court and the Charter Township of Clinton as defendants. That Order does not contain a clerical mistake, oversight or omission.

The Court **DENIES** Plaintiffs' Motion to Correct Order of Dismissal.

SO ORDERED.



PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

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